

GENERAL DEVELOPMENT (CONT.)

MUNICIPAL

The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A and B above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e),
12(a), (b) and (e))

Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A and B above.

(Source: P.A. 79-535, sec. 8(a)
and 9(a))

FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with policies A and B above.

(Source: Sec. 307 of the federal
Coastal Zone Management Act of
1972, 16 USC 1456)

B. WATER DEPENDENT USES

DEFINITION - "Water Dependent Uses" means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boatbuilding facilities, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters.

(Source: P.A. 79-535, sec. 3(16))

WATER DEPENDENT USES (CONT.)

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

- A. To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.

(Source: P.A. 79-535, sec. 2(a)(3))

- B. To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water dependent uses and facilities in shorefront areas.

(Source: P.A. 79-535, sec. 2(b)(1)(A))

SEE ALSO:

- Ports and Harbors Policy A (high priority to water dependent and boating support uses in fishing ports).
- Ports and Harbors Policy B (disallow uses which congest navigation channels and preclude boating support facilities).
- Developed Shorefront Policy A (promotion of marine related uses).
- Boating Policy A (limiting non-water dependent uses that preclude boating support facilities).
- National Interest Facilities and Resources Policy A (criteria for siting of facilities which are in the national interest).

IMPLEMENTATION

STATE

Issuance of DEP permits must be consistent with all of the above policies and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

WATER DEPENDENT USES (CONT.)

Issuance of permits by other state agencies must be consistent with policy B above.

(Source: requirement included in the policy)

All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

All major state agency plans must, by July 1, 1981 be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with all of the above policies, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources and future water dependent opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with all of the above policies.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with policies A and B above.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

COASTAL STRUCTURES AND FILLING (CONT.)

Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policy A above.

(Source: P.A. 79-535, sec. 8(a)
and 9(a))

FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal
Coastal Zone Management Act of
1972, 16 USC 1456)

E. DREDGING AND NAVIGATION

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

SEE:

Tidal Wetlands Policy C (creation of wetlands for dredged spoil disposal)

National Interest Facilities and Resources Policy A (planning for and protection of national interest facilities and resources including federal navigation channels).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

- A. To encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages.

(Source: P.A. 79-535, sec. 2(c)(1)(C))

- B. To discourage the dredging of new federally maintained navigation channels, basins and anchorages.

(Source: P.A. 79-535, sec. 2(c)(1)(C))

DREDGING AND NAVIGATION (CONT.)

- C. To reduce the need for future dredging by requiring that new or expanded navigation channels, basins and anchorages take advantage of existing or authorized water depths, circulation and siltation patterns and the best available technologies for reducing controllable sedimentation.

(Source: P.A. 79-535, sec. 2(c)(1)(D))

- D. To disallow new dredging in tidal wetlands except where no permissible alternative exists and where adverse impacts to coastal resources are minimal.

(Source: P.A. 79-535, sec. 2(c)(1)(E))

- E. The commissioner of environmental protection shall regulate the taking and removal of sand, gravel and other materials from lands under tidal and coastal waters with due regard for the prevention or alleviation of shore erosion, the protection of necessary shell fish grounds and finfish habitats, the preservation of necessary wildlife habitats, the development of adjoining uplands, the rights of riparian property owners, the creation and improvement of channels and boat basins, the improvement of coastal and inland navigation for all vessels including small craft for recreational purposes and the improvement, protection or development of uplands bordering upon tidal and coastal waters, with due regard for the rights and interests of all persons concerned.

(Source: CGS sec. 25-10 as referenced by P.A. 79-535, sec. 2(a)(2))

- F. Harbor masters shall have the general care and supervision of the harbors over which they have jurisdiction, subject to the discretion and control of the commissioner of transportation, and shall be responsible to the commissioner for the safe and efficient operation of such harbor in accordance with the provisions of this chapter. The commissioner may delegate any of his powers and duties under this chapter to such harbor masters or to any existing board of harbor commissioners, but shall at all times be vested with responsibility for the overall supervision of the harbors of the state.

(Source: CGS sec. 15-1)

SEE ALSO:

Dredging and Dredged Material Disposal Planning Policy A (cooperation with federal government on long-range planning for channel maintenance and dredged material disposal).

Boating Policy F (state regulation of boating).

Ports and Harbors Policy B (disallow uses which congest navigation channels).

DREDGING AND NAVIGATION (CONT.)

MAPS

- Federal navigation channels and existing dredge spoil disposal sites are depicted on a statewide map at 1:125,000 scale.
- Maps of federal navigation channels at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

IMPLEMENTATION

STATE

Issuance of DEP permits for new dredging in coastal waters pursuant to CGS 25-11 must be consistent with policies A through E above and with other applicable resource protection policies contained in the Coastal Management Act.

(Source: P.A. 79-535, sec. 21)

- Issuance of DEP permits for activities in tidal wetlands pursuant to CGS sec. 22a-32 must be consistent with policies C and D above.

(Source: P.A. 79-535, sec. 21)

- Designation of channels and boat basins by DEP pursuant to CGS sec. 25-3d and 25-14 must be consistent with policies A, B, C and E above.

(Source: P.A. 79-535, sec. 21)

- Regulation of harbors by the Department of Transportation and state-appointed harbor masters pursuant to CGS sec. 15-1 must be consistent with policy F above.

(Source: CGS sec. 15-1)

- All state agency actions significantly affecting the environment including grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

DREDGING AND NAVIGATION (CONT.)

FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

F. BOATING

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

- A. To encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting nonwater dependent land uses that preclude boating support facilities, (iii) increasing state owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land.

(Source: P.A. 79-535, sec. 2(b)(1)(G))

- B. To protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state owned facilities to the statewide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas.

(Source: P.A. 79-535, sec. 2(b)(1)(H))

- C. To protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries.

(Source: P.A. 79-535, sec. 2(b)(1)(I))

- D. To maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided.

(Source: P.A. 79-535, sec. 2(b)(1)(I))